

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

Kenneth William Colassi

v.

Civil No. 10-cv-562-PB

Hartford Life and Accident  
Insurance Co. et al.

**O R D E R**

Before the court is Kenneth William Colassi's complaint (doc. no. 1), filed pursuant to the Employee Retirement Income Security Act, 29 U.S.C. § 1001, et seq. ("ERISA"), alleging that he has been improperly denied disability benefits offered by his former employer, BAE Systems, Inc. ("BAE Systems") and administered by Hartford Life and Accident Insurance Company ("Hartford"). Colassi asserts additional claims under the federal constitution and state law. Because Colassi is proceeding pro se and in forma pauperis, the complaint is subject to preliminary review by the magistrate judge to determine, among other things, whether it states any claim upon which relief might be granted. See 28 U.S.C. § 1915(a); United States District Court District of New Hampshire Local Rule ("LR") 4.3(d)(1)(B) (authorizing magistrate judge to conduct preliminary review).

For the reasons fully explained in a Report and Recommendation issued simultaneously with this Order, the court now directs service of Colassi's ERISA claims on defendants Hartford and BAE Systems. The court further directs service of Colassi's legal malpractice claim on Attorney Ronald Eskin.<sup>1</sup>

Without commenting on the merits of the claims, the court orders that the complaint be served on defendants Hartford, BAE Systems, and Eskin. A review of the file indicates that Colassi has completed a single summons form listing both BAE Systems and Hartford. Plaintiff must provide the court with separate summons forms for each of the three defendants.

Accordingly, plaintiff shall prepare separate summonses for each defendant, Hartford, BAE Systems, and Eskin, and submit those summons forms to the Clerk's office within thirty (30) days of the date of this order. Upon receipt of the completed summonses, the Clerk's office shall issue the summonses against defendants and forward to the United States Marshal for the District of New Hampshire (the "U.S. Marshal's office") the summonses and copies of the complaint (document no. 1), the Report and Recommendation issued this date, and this Order.

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<sup>1</sup>In the Report and Recommendation, the court recommends dismissal of Colassi's Fourteenth Amendment due process claims against Hartford and BAE Systems.

Upon receipt of the necessary documentation, the U.S. Marshal's office shall effect service upon Defendants. See Fed. R. Civ. P. 4(c)(3). Defendants are instructed to answer or otherwise plead within twenty-one days of service. See Fed. R. Civ. P. 12(a)(1)(A).

Plaintiff is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on the defendants by delivering or mailing the materials to them or their attorney(s), pursuant to Fed. R. Civ. P. 5(b).

**SO ORDERED.**



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Landya B. McCafferty  
United States Magistrate Judge

Date: April 6, 2011

cc: Kenneth William Colassi, pro se

LBM:jba